

REMARKS

This amendment is responsive to the Office Action dated October 1, 2004. Claims 1-32 remain pending in the Application. Claims 1-32 stand rejected by the Examiner. The drawings and claim 31 were objected to. Applicant traverses the instant rejections and objections.

Examiner's Interview

Applicant's representative would like to thank Examiner Michael Heck and SP Examiner Tariq Hafiz for the courtesies extended to Applicant's representative, John V. Biernacki, during the telephone interview on December 22, 2004. During the interview, the section 101 and section 102 rejections were discussed. The remarks and the amendments contained herein further summarize the interview.

Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) due to a reference character not being mentioned in the description. The specification has been amended herein to address the missing reference character. Accordingly, Applicant respectfully requests that the instant objection be withdrawn.

Claim Objections

Claim 31 was objected to because of a dependency informality. Claim 31 has been amended herein to correct the dependency informality. Accordingly, Applicant respectfully requests that the instant objection be withdrawn.

Claim Rejections -- 35 USC § 101

Claims 1-16 stand rejected under 35 U.S.C. § 101. While Applicant respectfully disagrees with the instant rejection because, *inter alia*, the claims do recite patentable subject matter, Applicant has amended claim 1 herein as discussed with the Examiner -- that is, claim 1 has been amended to specifically recite using a computer to perform the steps of claim 1.

Claim Rejections -- 35 USC § 102

Claims 1-32 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Data Mining News (Data Mining News, Looking Past Automation, MarketSwitch Focuses on Optimization of Marketing Campaigns, Data Mining News, 10 May 1999). As discussed with the Examiner, the Data Mining News reference does not teach the limitations of the pending claims, because, *inter alia*, the reference does not teach using linear programming to solve the problem at hand. For example, the reference actually teaches away from the method of claim 1 as shown in paragraph 11 of the reference wherein it states that "...application of classical methods of discrete linear programming is not feasible." Accordingly, claim 1 and the other pending claims are allowable over the cited references.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the pending claims are allowable. Therefore, the Examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

Date: _____

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By: _____

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